

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

SUSAN B. NIXON,

Plaintiff,

v.

Civil Action No. _____
Chesapeake Circuit Court Case No. CL23-7648-00

WALMART, INC.

AND

WAL-MART STORES EAST, LP,

Defendants.

JOINT NOTICE OF REMOVAL

Walmart, Inc. and Wal-Mart Stores East, LP (“Walmart”), by counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby files this Joint Notice of Removal on the following grounds:

1. The plaintiff commenced this civil action by filing a Complaint with discovery in the City of Chesapeake Circuit Court on December 21, 2023. See Compl. (Exhibit A). This is a personal injury action in which the plaintiff claims to have been injured at a Walmart store in Chesapeake, Virginia on, due to Walmart’s negligence.
2. Walmart was served via its registered agent on December 29, 2023. Walmart timely filed an Answer on or about January 18, 2024. See Answer (Exhibit B).
3. There have been no further proceedings in this action.
4. The amount in controversy in this action, exclusive of interest and costs, exceeds \$75,000.00. See Compl.
5. Upon information and belief, Plaintiff is a citizen of Virginia.

6. Wal-Mart Stores East, LP is a Delaware Limited Partnership with its principal place of business in Arkansas. The partners of Wal-Mart Stores East, LP, are:

a. WSE Management, LLC, which is a Delaware Limited Liability Company, with its principal place of business in Bentonville, Arkansas.

b. WSE Investment, LLC, which is a Delaware Limited Liability Company, with its principal place of business in Bentonville, Arkansas.

7. The sole member of both WSE Management, LLC and WSE Investment, LLC, is Wal-Mart Stores East, Inc, which is a Delaware Corporation with its principal place of business in Bentonville, Arkansas.

8. Walmart Inc. is a Delaware corporation with its principal place of business in Bentonville, Arkansas.

9. This action involves a controversy wholly between citizens of different states. There is complete diversity of citizenship.

10. This Court has original jurisdiction in this matter pursuant to 28 U.S.C. § 1332(a), and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(a).

11. Walmart desires to remove this action to this Court.

12. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after receipt by Defendants of Plaintiff's Complaint or Summons through service.

WHEREFORE, Walmart Inc. and Wal-Mart Stores East, LP, by counsel, respectfully request that this action be removed from the Circuit Court of the City of Chesapeake, Virginia, to this Court.

WAL-MART STORES EAST, LP
WALMART, INC.

By: s/Joseph M. Moore
Joseph M. Moore (VSB No. 48591)
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of January, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to the following:

Jonathan R. Deloatche, Esq. (VSB No. 39765)
Joshua D. Barbosa, Esq. (VSB No. 95685)
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Counsel for Plaintiff

And I hereby certify that on this 23rd day January, 2024, I caused a true copy of the foregoing to be sent via U.S. mail to:

The Honorable Alan P. Krasnoff, Clerk
Chesapeake Circuit Court
307 Albemarle Drive
Suite 300A
Chesapeake, VA 23322-5579

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